

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF LOUISIANA

MARGARET GOETZEE NAGLE and  
JOHN ERIC GOETZEE

CIVIL ACTION

VERSUS

NO. 12-1910

SHERIFF MARLIN GUSMAN, ET AL.

SECTION "R" (2)

**ORDER AND REASONS**

On December 3, 2015, plaintiffs Margaret Goetzee Nagle and John Eric Goetzee moved the Court for sanctions after defendant Darryle Jackson did not appear at his scheduled deposition on November 16, 2015.<sup>1</sup> Jackson failed to oppose plaintiffs' motion.<sup>2</sup> On December 23, 2015, the Magistrate Judge granted plaintiffs' motion in part and assessed \$6,666.80 in sanctions against Jackson and his counsel.<sup>3</sup> Jackson now objects to the Magistrate Judge's ruling as "unjust" because Jackson was only one of several defendants scheduled to be deposed that week, and the other depositions proceeded as planned.<sup>4</sup>

---

<sup>1</sup> R. Doc. 205.

<sup>2</sup> *See* R. Doc. 210 at 1.

<sup>3</sup> *Id.* at 3.

<sup>4</sup> *See* R. Doc. 222.

The Court finds that Jackson has not shown that the Magistrate Judge's ruling is "clearly erroneous or contrary to law." 28 U.S.C. §636(b)(1)(A); Fed. R. Civ. P. 72(a). Jackson does not dispute that he failed to appear at his scheduled deposition. Nor does Jackson offer any reason for his failing to appear. Plaintiffs presented extensive evidence to support their request for attorneys' fees and expenses in the form of sanctions. The Magistrate Judge granted that request only in part and excluded all fees and expenses relating to one of plaintiffs' attorneys. Jackson's argument that it is unjust for him to pay more than a portion of the other attorneys' expenses because plaintiffs' counsel would have incurred these expenses "regardless of whether Darryle Jackson appeared" is unavailing.<sup>5</sup> Had Jackson appeared at his deposition in November 2015, plaintiffs' counsel could have avoided incurring the additional expenses associated with scheduling a second deposition for Jackson in February 2016.<sup>6</sup> This objection is overruled.

---

<sup>5</sup> *Id.* at 4.

<sup>6</sup> Jackson was ultimately deposed on February 2, 2016. *See* R. Doc. 210; R. Doc. 279.

Accordingly, the Court AFFIRMS the Magistrate Judge's order.<sup>7</sup>  
Darryle Jackson and his counsel of record are jointly liable to plaintiffs in the  
amount of \$6,666.80.

New Orleans, Louisiana, this 17th day of February, 2016.

A handwritten signature in black ink, reading "Sarah S. Vance", is written over a horizontal dashed line.

SARAH S. VANCE  
UNITED STATES DISTRICT JUDGE

---

<sup>7</sup> R. Doc. 210.